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C O N F I D E N T I A L ABU DHABI 000609

SIPDIS

STATE FOR NEA/ARPI TREUTER, EB/ESC/TFS FOR DNELSON,  
JSALOOM, JUNDERRINER, S/CT TKUSHNER  
TREASURY FOR RELEBSON, MEPSTEIN, AELBASHARI  
MANAMA FOR JBEAL

E.O. 12958: DECL: 02/20/2016

TAGS: [PTER](#) [KTFN](#) [EFIN](#) [ETTC](#) [AE](#)

SUBJECT: UAE CENTRAL BANK ON CASH COURIERS, DRAFT FINCEN MOU

REF: A. SECSTATE 19262

[B](#). ABU DHABI 409

[C](#). ABU DHABI 134

Classified By: Ambassador Michele J. Sison for reasons 1.5 b and d.

[11](#). (C) On February 13 econoff met with Abdulrahim al-Awadi, Executive Director and In-Charge of the Central Bank's Anti-Money Laundering and Suspicious Cases Unit (AMLSCU) to preview the points on cash couriers as provided in reftel. Al-Awadi said that the UAE had not sent a delegate to the FATF plenary in Cape Town, South Africa, but he appreciated the advance notification of the cash courier issues that the USG plans to raise during the MENAFATF plenary in March in Cairo, Egypt. Al-Awadi said his delegation would be prepared to engage in a discussion about cash couriers and the UAE's efforts to regulate the inbound and outbound flow of cash.

[12](#). (C) Al-Awadi also told econoff that the AMLSCU would soon respond to the draft MOU between FinCEN and the AMLSCU that the U.S. provided on the margins of the January 24 meeting of the U.S./UAE Joint Terrorist Finance Coordinating Committee (ref B). Al-Awadi told econoff that the AMLSCU's response to the draft MOU was being reviewed by the Central Bank's legal team, and that it would then be reviewed by the UAE Ministry of Justice. He said the response would contain two main points:

-- Advance Notification. Al-Awadi said that each country should agree to notify the other party before actions are taken against individuals or entities in that country. Econoff explained that although there is no binding requirement to do so, the U.S. often consults with the country before designating an individual or entity. The U.S. does this to give the host country the opportunity to weigh-in or co-sponsor the designation. Al-Awadi understood that this is often the practice, but he wants something that binds the U.S. to consult with the UAE before a person or organization in the UAE is designated.

-- Dissemination of Information. Al-Awadi said he wants to add language into the MOU stating that information must come through judicial channels if it is to be used in law enforcement cases. He explained that in the UAE, information obtained via Financial Intelligence Unit (FIU) channels is not admissible in court. He stressed that his reason for wanting to include this language is to prevent "perpetrators from being able to claim the information was obtained illegally" and thus jeopardize the ability to convict them. Econoff noted that the draft MOU states that the requesting country must specify in the request how the information will be used, and noted that the U.S. would want to retain the ability to share FIU-obtained information with law enforcement. Al-Awadi did not clarify whether he was seeking to prevent FinCEN from being able to share such information. He did insist, however, that UAE law states that "legal proceedings must come through the judicial process." Econoff told al-Awadi that the U.S. would carefully review any proposed changes to the draft MOU language to be sure it was acceptable to the United States. (Note: Al-Awadi was unable to point to which specific provision of UAE law prevents information obtained via FIU channels from being used in judicial proceedings.)

[13](#). (C) Comment. Al-Awadi's comments that information for law enforcement must go through the judicial process are similar to comments he made in November 2005 to a visiting FinCEN official. At that time, al-Awadi said that information provided to FinCEN by the AMLSCU is "not to be shared" with law enforcement authorities (ref C). Although al-Awadi's comments to econoff were not this strongly worded, Embassy is concerned that he may try to insert language into the MOU that would preclude FinCEN from sharing AMLSCU information with law enforcement. End comment.  
SISON